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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,262	01/27/2004	Stuart R. Melton	HE0217	9580
21495	7590	11/03/2005	EXAMINER	
CORNING CABLE SYSTEMS LLC			WONG, ERIC K	
P O BOX 489			ART UNIT	
HICKORY, NC 28603			PAPER NUMBER	
			2883	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EF

<b>Office Action Summary</b>	Application No. 10/765,262	Applicant(s) MELTON ET AL.	
	Examiner Eric Wong	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1005 9/6/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that the prior art fails to meet the limitations as claimed. With respect to claim 1, Applicant notes that preconnectorizing the cables in the factory allows for efficient and reliable production of the assembly. It is noted that the method of forming a device is not germane to the issue of patentability of the device itself. It is well known in the art that an optical cable **MUST** be connectorized for its intended use and function.
2. In regards to the argument with respect to crimp housings and crimp bands, specifically that the prior art only discloses that the connector assemblies (40, 50) are inserted into first and second connector receiving ports. Applicant argues that such structure fails to anticipate the limitations as claimed. Examiner respectfully disagrees. The current limitations as claimed only requires that a crimp assembly with two half shells secure a **portion** of the connector assembly there between. It appears to the Examiner that the two half-shells of Waldron et al. secure at least a portion of a connector assembly.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-15, 17-30, 32-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Number 6,188,822 to McAlpine et al. as applied to claim 1 above, and in view of United States Patent Number 6,234,683 to Waldron et al.

McAlpine discloses an outdoor cable comprising:

- A messenger section (12) comprising at least one strength component and a jacket surrounding the at least one strength component;
- A carrier section (14), the carrier section comprising a jacket and a tube, at least one optical waveguide disposed within the tube, the optical waveguide being at least partially disposed along a path and having an excess fiber length greater than about 0.0% to about 3.2%;
- A web connecting the respective jackets of the messenger and carrier sections (18); and
- Thermally activated coating (heat shrink tubing);
- It would be inherent that such a fiber communications cable would be connectorized.

However, McAlpine fails to explicitly disclose a plug connector comprising a crimp housing comprising two half shells with a longitudinal passageway, further including a connector housing and ferrule.

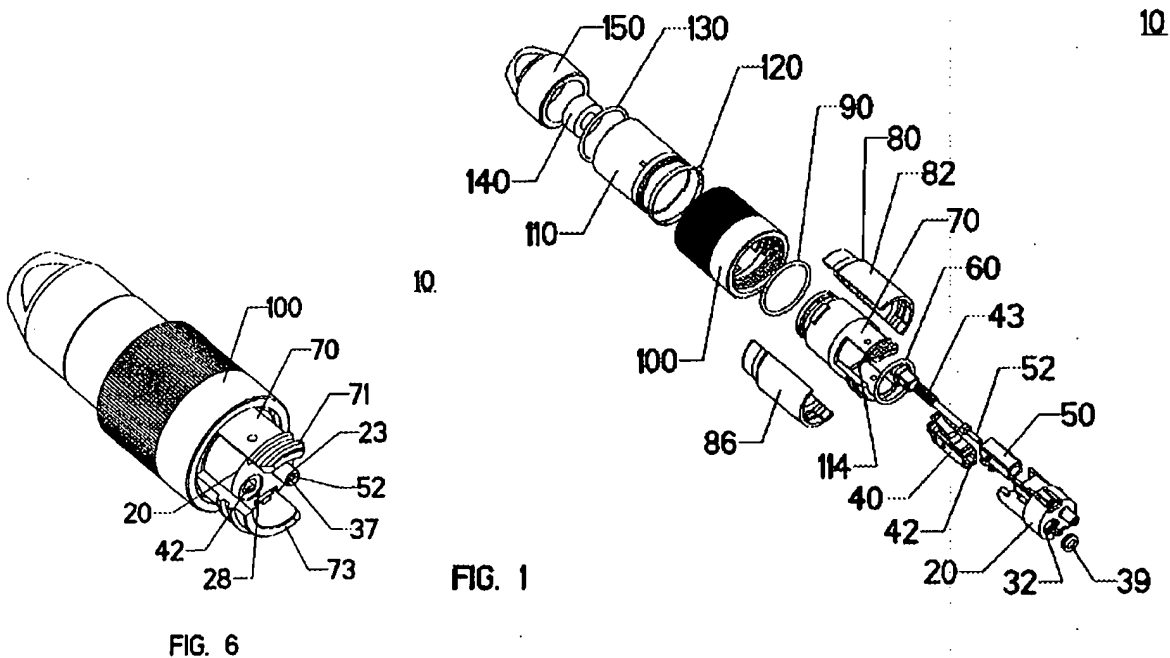
Waldron et al. discloses an optical plug connector cable comprising a crimp housing with two half shells (82, 86) held together by a crimp band, a cap (150), a rib (interior of 86), a coupling nut (100), o-ring (90), a ferrule, alignment notches, fingers for keying the connector (71, 73), and a longitudinal passageway.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to connectorize the cable of McAlpine with the connector of Waldron et al. in order to improve the connection of optical transmission components and further to improve the mounting of fibers to reduce optical transmission loss.

5. Claim 16, 31, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAlpine et al. in view of Waldron et al. as applied to claims above.

McAlpine et al. in view of Waldron et al. discloses an optical cable plug connector as claimed, but fails to explicitly disclose two plug connectors.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two connectors instead of one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.



***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 09/06/2005 has been considered by the examiner and made of record (note the attached copy of form PTO-1449).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Wong whose telephone number is 571-272-2363. The examiner can normally be reached on Monday through Friday, 830AM - 430PM.

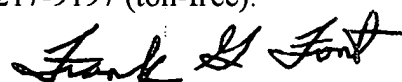
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EW



Frank G. Font  
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